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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,131	07/17/2006	Masao Saito	0033-1085PUS1	3838
2292 7590 06/10/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HICKS, CHARLES V				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
06/10/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/586,131

**Applicant(s)**

SAITO, MASAO

**Examiner**

CHARLES HICKS

**Art Unit**

2629

**—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**

THE REPLY FILED 13 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Alexander S. Beck/  
Supervisory Patent Examiner, Art Unit 2629

06/03/2011

Continuation of 11, does NOT place the application in condition for allowance because: applicants argue that the cited prior art of record fails to teach the limitations of "independent claims 1 and 23". Examiner notes that claim 1 has been previously cancelled and that the independent claims are claims 12 and 23. Examiner will interpret the arguments as applying to independent claims 12 and 23. Applicant argues (1) that the claimed programmable display apparatus is not the computer system 102 of the Gherciou reference. Gherciou however teaches a programmable display apparatus comprising the computer system 102, and further comprising a system and method, and deploying and executing a program on an embedded device (Gherciou, Abstract, Fig. 2, Fig. 3). The programmable display apparatus of Gherciou includes the elements of Fig. 2, and Fig. 3 further shows the memory, video and processing capabilities of the programmable display apparatus of Gherciou. Applicants further argue (2) that paragraph 61 of Gherciou teaches "data from a camera is converted to GIF, JPE, or MPEG format and transmitted to the host computer", and applicant further argues that the computer system 102 displays the image, not the claimed programmable display apparatus. However paragraph 61 of Gherciou is merely a subheading "Embedded Devices". Further, as discussed above, the computer system 102 is part of the programmable display device of Gherciou, and comprises video display as shown in Fig. 3, Video. Applicants argue (3) that the technical feature described in the Gherciou reference does not affect the patentability of the present invention. Examiner notes that there are numerous technical features in Gherciou, and it is not clear which technical feature the argument is referring to. Applicant also argues that the cited prior art does not teach the claimed ladder program, apparently from dependent claim 27. However, the claimed ladder program of claim 27 is taught by the applicants admitted prior art as shown in the rejection (instant specification summary, pg. 1, par. 7). In the (3) arguments, applicant further argues that the Hasako reference teaches "superimposing" but that superimposing is not "relating the symbol data". However, Hasako teaches video generation wherein the video data is in sync with a system clock signal (Hasako, pg. 1, par. 15-17) and displayed on the programmable display apparatus along with other data and symbols, therefore relating the symbol data, and all components of the programmable display apparatus, together in a relationship to each other. Further in argument (3) applicants argue that the cited prior references of Keele and Hickman cannot be combined with Gherciou arguing that Gherciou is not directed to a programmable display apparatus but this argument is non-persuasive for the reasons discussed above.